consideration H. B. No. 113, being a bill to be entitled

"An Act validating the attempted incorporation of all cities, towns and villages operating under the provisions of Title 22, Revised Statutes of 1911, and amendments thereto, etc., and declaring an emergency."

Have this day had the same under consideration, and I am instructed to report the same back to the Senate with recommendation that it do pass and be not printed.

WATTS, Chairman.

(Floor Report.)

Senate Chamber, Austin, Texas, Aug. 15, 1921.

Hon. Lynch Davidson, President of the Senate.

Sir: We, your Committee on Educational Affairs, to whom was referred

H. B. No. 124, A bill to be entitled "An Act to amend Sections 4 and 14, Chapter 44, of the Acts of the First Called Session of the Thirty-fifth Legislature in such a way as to make it possible for the State Text Book Commission to renew contracts wherever advantageous to the interest of the State," etc.,

Have had the same under consideration, and beg leave to report the same back to the Senate with the recommendation that it do pass, and that it be not printed.

Hertzberg, Vice Chairman; Rogers, Burkett, Floyd, Suiter, Richards, Mc-Millin.

Committee Room, Austin, Texas, Aug. 15, 1921.

Hon. Lynch Davidson, President of the Senate.

Sir: We, your Committee on Public Printing, to whom was referred

H. B. No. 80, A bill to be entitled "An Act to fix and establish a legal rate for the publication of all proclamations, advertising, or notices of all kinds required by law to be published," etc.

Have had the same under consideration, and I am instructed to report same back to the Senate with the recommendation that it do pass but be not printed.

ROGERS, Chairman.

TWENTY-FOURTH DAY.

Senate Chamber, Austin, Texas, Tuesday, August 16, 1921.

The Senate met at 3:15 o'clock p. m., pursuant to adjournment, and was called to order by Lieutenant Governor Davidson.

The roll was called, a quorum being present, the following Senators answering to their names:

Bailey. Baugh. Murphy. Burkett Parr. Clark. Richards. Darwin. Rogers. Davidson. Suiter. Doyle. Watts. Dudley. Williams. Floyd. Willis. Hertzberg. Witt

Absent.

Woods.

Bledsoe. Fairchild. Buchanan. Hall. Cousins. Page. Dorough. Wood.

Absent-Excused.

Carlock.

Lewis.

Prayer by the chaplain.

Pending the reading of the Journal of yesterday, the same was dispensed with on motion of Senator Watts.

Free Conference Committee Report On Senate Bill No. 19.

Commttee Room,

Austin, Texas, August 15, 1921. Hon. Lynch Davidson, President of the Senate;

Hon. Chas. G. Thomas, Speaker of the House.

Sirs: We, your Conference Committee on S. B. No. 19, have adjusted the differences between Senate and House and recommend the passage in lieu of S. B. No. 19 the following Committee Substitute.

FLOYD,
COUSINS,
WILLIAMS,
ROGERS,
BUCHANAN,
On the part of the Senate.

THOMAS, CHITWOOD, DINKLE, FAUBION, MATHES,

On the part of the House.

An Act for the purpose of promoting Be it enacted by the Legislature of the public school interests of rural schools and those of small towns, appropriation of One Million Five Hundred Thousand Dollars, or so much thereof as may be necessary, for the next fiscal year ending August 31, 1922, and One Million Dollars for the fiscal year ending August 31, 1923, and allowing the State Board of Education and the specified; providing how such schools shall be located and school buildings constructed, furnished, maintained; providing certain prerequisites for the granting of such aid, and providing that no school having over five hundred scholastics shall receive such aid. except in the case of bona fide concountry; giving preference to all school districts in which available school funds, together with the local district tax will not maintain the school six months in the year; providing that such schools receiving such aid, shall have a certain percentage of attendance, with exceptions, granting authority to the State Board of Education and the State Superintendent of Public Instruction to act for the best interests of the schools in cases and conditions not covered by the law; giving to the State Board of Education and the State Superintendent power to establish rules and regulations for the improvement of country schools receiving the benefits of a portion of the funds provided for in this Act; providing for the expenses of administration by action of the State Board of Education; providing for reports to be made to the State Superintendent of Public Instruction and to the State Board of Education; providing for the manner of payment and disbursement of all money granted under the provisions of this Act; repealing all laws and parts of laws in conflict herewith, and declaring an emergency.

the State of Texas:

Section 1. For the purpose of proof aiding the people to provide moting the public school interests adequate school facilities for the of rural schools and those of small education of their children, by the towns and of aiding the people in providing adequate school facilities for the education of their children, there is hereby appropriated out of any money in the State Treasury not otherwise appropriated \$1,500,000, or such part thereof as may be necessary, for the school year ending August 21, 1922, and \$1,000,000, or such part thereof as may be necessary, State Superintendent of Public In- for the school year ending August struction to aid such schools in ac- 31, 1923, and to be used in accordcordance with the conditions herein ance with the provisions of this Act in aiding rural schools and those of small towns; provided that none of the money appropriated by this Act shall be allotted to any independent or common school district in which property belonging to the State of Texas is located unless said district is entitled to receive same under the provisions of this Act; and it is further provided that none of solidated schools situated in the the money appropriated by this Act shall be expended for the purpose of disseminating by any means in-formation intended to influence voters in any election whatsoever.

- Sec. 2. State aid under the provisions of this Act may be distributed in such way as to assist all schools of not more than 500 scholastic enrollment to maintain the school for such length term, not to exceed nine months, as may be desired by the district board of school trustees. Provided further that not more than One Thousand Dollars for any one year shall be granted to any one school district under the provisions of this Act, the granting of such aid to be subject to the following conditions:
- A common school district or independent school district receiving this aid must have had an average attendance the preceding year of at least twenty times as many scholastics as the number of teachers employed, and must maintain during the year in which aid is received, an average attendance of at least 75 per cent of the enrollment during the time that the school is in session, unless cause for such non-attendance, satisfactory to the State Board of Education, can be shown.
- (2) Any common school district or independent school district receiv-

ing this aid must make such heating length of term. The State Superinand ventilating arrangements, provide such sanitary closets and keep the school premises in such condition, as can be approved by the rural school inspector sent by the State Department of Education.

(3) No common school district or independent school district which refuses to conform to a plan of consolidation formulated by the county superintendent, and approved by the county board of trustees and by the State Superintendent shall receive aid from this fund for any school session following the school year in which such refusal is made.

School districts in sparsely settled communities where consolidation is impracticable, are to be exempted from this provision of this Act; prosuch consolidation is not advantageous shall rest with the county board of trustees and shall be approved by the State Superintendent. It is expressly provided that in case of schools where compliance with the preceding conditions is impossible, or would work undue hardships, the State Superintendent shall have power, with the approval of the State Board of Education, to grant funds to such schools.

No common or independent (4) school district which has received special State aid under the provisions of this or previous similar acts for one scholastic year, shall be granted such aid a second time unless it shall provide for the maintenance of its school by voting a local school tax of fifty cents on the hundred dollars of property valuation; and in no case shall the assessed valuation for common school district be less than the valuation of the county assessor; and in no case shall the assessed valuation in towns be less than the assessed valuation of town property for other purpoes.

Schools of not more than 500 schoolastic enrollment, complying with the foregoing conditions, shall send to the State Superintendent, on blanks provided by the State Department of Education, a list of teachers employed in the school, with a statement as to the monthly salary of each teacher, and a list of expected receipts and other expenditures, it being shown on this blank that the trustees lack sufficient funds in county or small town schools shall

tendent of Public Instruction with the approval of the State Board of Education, may then grant to the school such an amount of this fund as may be necessary to maintain the school for the desired length of term; provided that this period be not longer than nine scholastic months, and provided that such aid be not granted in excess of any amount sufficient to pay the teacners the maximum salary permitted by State law to those holding certificates of the grade held by teachers of the school district to which such aid is granted. It is expressly hereby provided that all school districts meeting the requirements of this Act, and not having sufficient available school funds to mainvided that the decision as to whether tain their school six months in the year shall be given preference in the distribution of this fund, until all the public schools in the State can be maintained at least six months in the year.

> Sec. 2a. Any common or independent school district which has no special tax, but where private donation is made for the benefit of the school, either by person or a corporation, then that district shall be entitled to the same proportion of the State aid as any other district that is provided for under this law.

> Sec. 3. In addition, State aid to the amount of not more than \$500 for any one district may be granted from the appropriation authorized by this Act, to school districts under the following conditions:

- (1) Location: Each such school receiving this State aid shall be well located on a plot of ground not less than one acre in extent, properly drained and suitably laid out.
- (2) School House: There shall be provided a suitable school house, erected in accordance with the school house building law of Texas or meeting substantially the requirements thereof.
- (3) Equipment: Each such school shall be provided with necessarv desk. seats, and black boards: and with such library, books, maps, and globes as are recommended in the State bulletins, as in the opinion of the State Superintendent the said school may be able to purchase.
- (4) Teachers: Teachers employed to maintain the school for the desired furnish to the State Superintendent

satisfactory evidence of professional training to their credit, and all teachers must render efficient services of a high grade.

- (5) Attendance: In order to receive State aid under these conditions, the school must have a scholastic enrollment of not more than 500 scholastic enrollment, exclusive of transfers, and must maintain an attendance record during the year in which it receives such aid of not less than seventy-five per cent of the enrollment unless causes for such non-attendance satisfactory to the State Board of Education can be shown.
- Local Tax: A school district **(6)** to be eligible to special State aid, under the provisions of this Act, if it has received special State aid under the provisions of this or other similar Acts, for a period of one scholastic year, must be levying and collecting a local school tax of not less than fifty cents on the one hundred dol-
- lais of property valuation.
 (7) Course of Study: Each country school or small town school receiving State aid under the provisions of this act shall teach the common school subjects as prescribed by law, and shall follow the State courses of study, and shall be required to observe the school laws, especially as to care of textbooks.

Sec. 4. Such part of this fund as may not be expended under the preceding provisions of this act may be granted to schools of not more than 500 scholastic enrollment for the following purposes:

(1) Schools making provisions for transportation of pupils to and from consolidated schools may be granted from this fund a sum equal to one-half of the total cost of transportation, provided that the provisions of the contract for said transportation be approved by the State Superintendent.

(2) State aid from this fund may be granted in accordance with rules approved by the State Board of Education, for the purpose of providing for an annual increase of salary to teachers of rural schools and schools of small towns, who remain in the same position, provided, (1) that such aid shall not exceed one-half of the amount of the annual increase paid by the school, (2) that such teachers shall furnish recommendations as to . satisfactory work from their local conditions and regulations as to the

boards, (3) that in each such year, when increase is granted from State aid funds, such teachers receiving the increase shall attend a summer school for at least two months, completing work under terms prescribed by the State Superintendent of Public Instruction, (4) and that the maximum salary paid such teachers shall not exceed the average of the salary paid to such teachers of similar acquirements and experiences in the three largest cities of the State; provided that in no event shall any teacher in any school to which State aid is granted he paid more than the following amounts: to a teacher holding a second grade certificate sum of \$100.00 per month, a teacher holding a first grade certificate \$150.00 per month, and a teacher holding a permanent certificate \$175.00 per month.

(3) Any school eligible to State aid under the provisions of this act, which acquires by purchase, or by gift, an addition to its library of the value of \$50 or more, consisting of unused books approved by the regulations of the State Department of Education, may receive from this fund a sum not exceeding one-half of the value of said library; providing that no school may receive for its library more than \$200 per year; and provided that all funds granted for libraries must be spent for additional library books for the school; provided that funds for the purchase of books for a school library may not be granted to any school which has not provided proper facilities for the care of such books, such facilities to be defined by the State Superintendent of Public Instruction.

In case of extraordinary and unusual conditions, the State Board of Education may arrange for the support of a school from State aid funds, for a period not exceeding six months, if otherwise pupils would be entirely of all school deprived privileges.

(5) General Powers of the State Board of Education: The State Board of Education shall be authorized and it shall be their duty, to take such action and to make such rules and regulations not inconsistent with the terms of this act, as in its opinion may be necessary to carry out the provisions and intentions of this act. They shall have the power to impose such other

granting of State aid, that do not conflict with the provisions herein specifled, as, in their judgment may be for the best interest of the schools for whose benefit the funds are appropri-

Sec. 7. Duties of the State Superintendent of Public Instruction: shall be the duty of the State Superintendent of Public Instruction to go in person or to send one of the rural school supervisors authorized by this act to assist the school committees who may desire the privileges of this act in their efforts to meet the necessary requirement in order that they may participate in the distribution of the funds herein appropriated.

Before approving any application he or she shall make a thorough investigation in person, or through representatives approved by the State Board of Education, of the grounds, buildings, equipment, and possibilities of each school applying for State aid under the provisions of this act, and aid shall not be granted to any school unless it be shown that such aid is actually needed for efficiency of school work and for the desired length of term. In case where exceptional conditions, or lack of sufficient supervisory force renders personal inspection by the Department of Education, impossible, in time to grant State aid to some schools, the State Superinendent shall pursue such course, in regard to final granting of State aid to such schools, as, on his recommendation, may be approved by the State Board of Education. In such case the State Superintendent shall provide for the visitation of such schools, after the aid has been granted, and in future grants to such schools, shall be governed by the eligibility of such schools as shown when so visited.

Sec. 8. Second Aid: Before State aid shall be granted a second time to the same district it shall be necessary that all reports as required of the school officials of said districts shall have been received and approved;; that the State Superintendent of Public Instruction or one of the rural school supervisors shall have visited said district and the State Superintendent of Public Instruction shall have advised the State Board of Education that in his judgment the school officials of such districts have made diligent efforts to meet the requirements and standards as set forth in the table subject to call.

this Act, that the district receving State aid has made satisfactory progress, under existing conditions, and that, in his opinion, further aid would prove a good and desirable investment for the State in promoting the educational interests of the people of such district; provided that no school shall be granted State aid a second time until all applications on file for first aid from schools entitled to aid under this Act shall have been acted upon.

Sec. 9. Warrants and Reports: Warrants for all money granted under the provisions of this act shall betransmitted by the State Superintendent of Public Instruction to Treasurers or depositories of school districts to which State aid is granted in the same manner as warrants for State apportionment are now transmitted, and it shall be the duty of all treasurers or depositories to make annually itemized reports, under oath, to the State Superintendent of Public Instruction of the expenditure of all money granted under the provisions of this act.

Sec. 10. Apportionment Privileges: Country schools and small town schools shall be entitled to share in the distribution of State and County available school funds, and in all other school funds in the same manner as other school districts, and in case high school grades are maintained the community shall still be entitled to participate in the distribution of any State aid that may be extended by the Legislature of Texas for vocational or industrial purposes to high schools of the State, though it accept the provisions of this act.

Sec. 11. The importance of this measure, and the necessity of completing all arrangements for State aid for the session of 1921-22 in time effectively to carry out the provisions of this act create an emergency and imperative public necessity requiring the suspension of the constitutional rule that bills be read on three several days, and the said rule is hereby suspended and this act shall take effect and be in force, from and after its passage, and it is so enacted.

The report was read and laid on

House Bill No. 8-Conference Report On.

Austin, Texas, August 16, 1921. the Senate;

Hon. Chas. G. Thomas, Speaker of the House of Representatives.

Sirs: We, your Committee lected and appointed to adjust the differences between the Senate and House on H. B. No. 8, A bill to apportion the State of Texas in Senatorial Districts,

Have had the same under consideration, and have adjusted the differences between the Senate and House, and beg leave to report as follows, to wit:

We recommend that the House concur in the Senate amendments to said H. B. No. 8, and

We further recommend that the Senate and House concur in the fol-Committee) lowing (Conference amendments:

1. That Maverick County stricken from District 27 and be placed in District 29.

2. That Medina County be stricken from District No. 26 and be placed in District No. 29.

3. That the counties of Gillespie and Kimble be stricken from District 29 and be placed in District No. 25.

4. Amend the caption so as to read as follows:

A bill to be entitled "An Act to amend Art. 24 and 25 Revised Civil Statutes of Texas, 1911, apportioning the State of Texas into Senatorial the Chair laid before the Senate, on declaring what counties second reading, Districts; shall constitute each Senatorial District; providing for returns of elections: repealing all laws in conflict herewith; providing the date it shall take effect: providing that if any part shall be declared unconstitutional it shall not affect any other part, and declaring an emergency." Respectfully submitted,

SUITER, DUDLEY. FLOYD. FAIRCHILD, McMILLIN.

On the part of the Senate.

HILL, JONES. MILLER of Dallas, BRYANT, CRUMPTON,

On the part of the House.

The above report was read and adopted.

I desire to be recorded as opposed Hon. Lynch Davidson, President of to the adoption of the Conference report on H. B. No. 8.

ROODS

I vote "nay" on the report of the committee on H. B. No. 8 because the Constitution requires that the District be divided according to the number of qualified voters as nearly as may be. The report of this committee shows that Freestone County is placed in a district containing over 29,000 qualified voters, while the district should only contain about 20,000 voters. To place Freestone in a district containing 9,000 qualified voters more than the constitutional requirements is unjust, unfair and unconstitutional, but clearly political, as some other districts contain less than 12,000 qualified electors.

DOYLE.

Simple Resolution No. 52.

Resolved, That the Secretary and the Journal Clerk each be allowed postage to the amount of two dollars for their use officially.

DUDLEY.

The resolution was read and adopted.

House Bill No. 144.

Senator Richards called up and

H. B. No. 144, Known as School of Correspondence Bill.

The committee report was adopted. The bill was read second time and passed to a third reading.

House Bill No. 80.

The Chair laid before the Senate, on second reading,

H. B. No. 80, Known as the Legal Publication Printing Bill.

Senator Bledsoe made the point of order that the consideration came too late, by rules of the Senate, and the Chair sustained same.

Bills Held Out of Order.

The Chair laid before the Senate, on second reading,

H. B. Nos. 41, 117, 113, 80, 118, 1114.

27-Senate.

These bills were read separately and when each bill was read Senator this report for the consideration of Dudley made the point of order that the Senate and House of Representathey could not be considered, since tives. the joint rules prohibited voting on any bill during the last 24 hours of mitted, the session.

In each instance the Chair sustained the point of order.

Message from the House.

Hall of the House of Representatives. Austin, Texas, August 16, 1921. Hon. Lynch Davidson, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House had adopted the report of the Free Conference Committee on H. B. No.

Adopted report of the Free Conference Committee on H. B. No. 1.

Respectfully submitted, C. L. PHINNEY,

Chief Clerk House of Representatives.

Free Conference Committee Report On Senate Bill No. 61.

Committee Room.

Austin, Texas, August 16, 1921. Hon. Lynch Davidson, President of the Senate:

Hon. Chas. G. Thomas, Speaker of the House of Representatives.

Sirs: We, your Conference Committee appointed to consider the diferences between the two houses on

S. B. No. 61, A bill to be entitled "An Act making appropriations for the State Government for two years beginning September 1, 1921, and ending August 31, 1923, and for other purposes, prescribing certain regulations and restrictions in respect thereto, and declaring emergency,"

Having met and after full and free conference have agreed to make and do make the following recommendations, to wit:

1. That the Senate having refused to agree to the House amendments to said bill, the same was taken up and after a full and free discussion, the House receded from many of its amendments to said bill, and the Senate acceded to many of the House amendments thereto, and upon the adjustment of the difthe agreements with reference theresaid bill which is herewith filed and census rolls of Corpus Christi, re-

asked to be considered as a part of

All of which is respectfully sub-

BLEDSOE. CLARK, PAGE, MURPHY. WITT.

On the part of the Senate.

QUAID, HALL. DAVIS. HENDERSON, BEASLEY of McCulloch,

On the part of the House.

The report was read, and Senator Bledsoe moved to adopt the report, and that only the report be printed in the Journal, omitting the full bill.

The motion was adopted by the following vote:

Yeas—26.

Bailey. Hertzberg. Baugh. Lewis. Bledsoe. McMillin. Buchanan. Murphy. Burkett Page. Clark. Parr. Cousins. Richards. Darwin. Rogers. Davidson. Watts. Doyle. Williams. Willis. Dudley. Fairchild. Witt. Floyd. Woods.

Absent.

Dorough. Hall.

Suiter. Wood.

Absent—Excused.

Carlock.

Report of Sub-Committee on Educational Affairs.

Committee Room,

Austin, Texas, August 16, 1921. Hon. Lynch Davidson, President of the Senate.

We, your Committee on Edu-Sir: cational Affairs, to whom was referred request of Miss Annie Webb ferences with reference to said bill, Blanton, State Superintendent of Public Instruction, for an investigato were fully set out in the copy of tion of the alleged padding of the ferred such investigation to a subcommittee, the report of which said committee is attached hereto and was made the report of the Committee, and it is recommended that same be printed in the Journal.

WITT, Chairman.

Austin, Texas, August 15, 1921.

To the Chairman of the Education Committee:

We, your sub-committee appointed to confer with the State Superintendent of Public Instruction and school authorities of the Corpus Christi Independent School District relative to the census enumeration of said district for the year 1921, have consulted with the State Superintendent of Public Instruction and have examined such data as was furnished to us by her and have conferred with others who were conversant with the situation in the said Corpus Christi Independent School District. Chairman of your sub-committee has also conferred with the Hon. W. E. Pope. Representative from Nueces County and attorney for the school board of Corpus Christi Independent School District and requested him to furnish us certain data, maps, fists of streets, etc., which the said Hon. W. E. Pope stated he would secure from the school board and present to your sub-committee, but later informed the Chairman of your subcommittee that he had written for such data and that he had failed to receive the same.

We, your sub-committee, beg leave to report that after making such investigation as hereinbefore stated. we are of the opinion that the census rolls of the Corpus Christi Independent School District for the year 1921 are far greater than they should be and that the census taken under the direction of the State Superintendent of Public Instruction is approximately correct and that the correct number of scholastics for the Hall. Corpus Independent School District is 2096 as shown by the census taken under the direction of the said State Superintendent of Public Instruction and not 6043 as shown by the census rolls furnished by said independent school district and that the said State School Superintendent, Annie Webb Blanton, was entirely justified in refusing to approve the census rolls made out by the Baugh.

Corpus Christi Independent ≈aid School District and that the result of re-taking the census under her direction has conclusively proved that she was acting for the best interests of the school children of the State in having said census so re-taken.

Respectfully submitted. SUITER. ROGERS

DARWIN. Sub-committee.

The report was read and Senator Richards made the point of order that there was no resolution passed by the Senate authorizing such investigation, and that before a committee could make an investigation it would have to have such authority. The Chair overruled the point of order.

Senator Richards made the point of order that the rules require all committee reports to lie over for one

The Chair sustained the point of order.

Senator Witt moved to suspend the Senate rule requiring committee reports to lie over for one day, which motion was adopted by the following vote:

Yeas-19.

Baugh. McMillin. Bledsoe. Murphy. Buchanan. Page. Cousins. Rogers. Darwin. Watts. Williams. Davidson. Doyle. Willis. Dudley. Witt. Woods. Filoyd. Lewis.

Nays—6.

Fairchild. Bailey. Parr. Burkett Clark. Richards.

Absent.

Dorough. Suiter. Wood. Hertzberg.

Absent—Excused.

Carlock.

Action occurred on the committee report, and the same was adopted by the following vote:

Yeas—21.

Bledsoe.

Buchanan. McMillin. Cousins. Murphy. Darwin. Page. Davidson. Rogers. Suiter. Doyle. Dudley. Williams. Fairchild. Willis. Floyd. Witt. Hertzberg. Woods. Lewis.

Nays-5.

Bailey. Burkett Clark.

Parr. Richards.

Absent.

Dorough. Hall.

Watts. Wood.

Absent-Excused.

Carlock.

Conference Report on House Bill No. 137.

Committee Room, Austin, Texas, Aug. 16, 1921. Hon. Lynch Davidson, President of the Senate.

Hon. C. G. Thomas, Speaker of the House of Representatives.

We, your Conference Committee, appointed to consider the differences between the two Houses on

H. B. No. 137, a bill to be entitled "An Act making appropriations to pay miscellaneous claims against the State, authorizing the payment of said miscellaneous items on the taking effect of this Act, making additional appropriations to pay interest on the public debt of the State, and to pay Mexican War Veterans, and to pay Miss Lavinia Harvill as Assistant Librarian at the University, for the fis-cal years ending August 31, 1922 and August 31, 1923, and declaring an emergency."

Having met and after full and free conference, have agreed to make and do make the following recommendations to-wit:

- 1. That the House agree to and concur in the Senate Amendment No. 1 to pay J. G. Bruner the sum of \$150.00 for the burial expenses of his son, J. E. Bruner.
- 2. That the House agree to and concur in Senate Amendment No. 2 for the sum of \$2500.00 to pay for the bronze statue of Johanna Troutman, with the express provision that the Troutman monument on which the that the report be referred back to the

same is erected shall have inscribed upon it an inscription which shall be historically correct.

- 3. That the Senate recede from Senate Amendment No. 3.
- 4. That the Senate recede from Senate Amendment No. 4.
- 5. That the House concur in and agree to Senate Amendment No. 5 to pay D. T. Baldwin the sum of \$900.00.
- 6. That the Senate recede from Senate Amendment No. 6, which makes provision for payment to Jonce Henry of the sum of \$346.25.
- 7. That the Senate recede from Senate Amendment No. 7 providing for the payment of \$30,000.00 for incounty witness fees in felony cases.
- 8. We have inserted in this our Conference Committee Report and beg leave to recommend the adoption of same by the House and Senate the following item not included in the original bill nor any amendments adopted thereto by the House or Senate, to-wit:

To pay to Mrs. J. D. Skelton, as sole surviving heir of William Fitzhugh, deceased, for mules sold by him to the State Government as shown by warrants No. 765, 770, 771, 779, 781, 782, 785, 786, and 787, including accrued interest at legal rate to date upon her filing with the Comptroller satisfactory proof of her being entitled to same as surviving heir or assignee of the other heirs of William Fitzhugh, deceased, the sum of \$7.471.00, it being expressly understood that this is a full and complete settlement.

All of which is respectfully submitted.

> STEPHENS. THRASHER. QUICKSALL. I dis-

sent from the J. D. Skelton claim in the report.

MOTT. MILLER of Dallas, On behalf of the House.

BAILEY. ROGERS, LEWIS, HERTZBERG. BARR.

On behalf of the Senate.

The report was read and discussed, and Senator Bailey moved that the report be adopted, and

Senator Page moved as a substitute

committee with instruction to eliminate item 8 of the report.

Action then recurred on the substitute motion, and the same was adopted by the following vote:

Yeas-19.

Baugh. Hertzberg. Bledsoe. Lewis Buchanan. McMillin. Clark. Page. Cousins. Suiter. Darwin. Watts. Doyle. Williams. Dudley. Wood. Fairchild. Woods. Floyd.

Nays-6.

Bailey. Burkett Murphy.

Parr. Rogers. Willis.

Absent.

Davidson. Dorough. Hall.

Richards. Witt.

Absent-Excused.

Carlock.

Message from the House.

Hall of the House of Representaives, Austin, Texas, August 16, 1921. Hon. Lynch Davidson, President of the Senate.

I am directed by the House Sir: to inform the Senate that the House has adopted the Free Conference Committee report on S. B. No. 19. Respectfully submitted,

C. L. PHINNEY, Chief Clerk House of Representatives.

Special Committee Report.

(Majority Report.)

Austin, Texas, August 15, 1921.

Hon. Lynch Davidson, President of the Senate.

Hon. Chas. G. Thomas, Speaker of the House.

Sirs: We, your committee appointed by the Thirty-seventh Legislature to investigate the Penitentiary System of Texas, and instructed by Concurrent Resolution of the First Special Session of the Thirty-seventh Legislature to investigate the killing of George W. Ludwig and Jack Baldwin at Eastham Farm on July 22, the minority committee report for

1921, beg leave to report as follows:

We approve the findings and recommendations of the sub-committee as shown in their report filed in the Senate and House of Representatives on the 13th day of August. A. D. 1921, in all things, and adopt said report of said sub-committee as the report of the entire committee.

WILLIAMS. McMILLIN. HERTZBERG, On behalf of the Senate.

> TEER. CHITWOOD. DARROCH, SEAGLER. WILLIAMS

On behalf of the House.

(Minority Report.)

I dissent from the findings and recommendations of the sub-committee for the following reasons:

The investigation into the matters involved in this report, especially in reference to the killing of George W. Ludwig and Jack Baldwin at Eastham Farm on July 22, 1921, have necessarily been hurried and incomplete. It is a matter primarily cognizable by the courts. They will have ample time and means to make more exhaustive investigation. The presumption must be indulged that they will do their full duty.

The alleged killing occurred in Houston County. The people of that county are patriotic, and believe in law enforcement. The officers of that county are competent and conscientious. The county and district attorneys are among the most efficient and vigorous in the State. They can, in my opinion, be depended upon to do their full duty, as can be the other good people in that county, and I am loath to suggest to them how they shall perform their plain duty under the law in this or in any other mat-Rather I am content to feel that the good people of that county will, without suggestion from me, see that justice is done, and I shall cheerfully abide the determination of the matter that shall be made by the courts.

LEWIS.

The above reports were read, and Senator Lewis moved to substitute the majortiy committee report, which motion was lost.

The majority committee report was adopted.

Senate Bill No. 19—Conference Report.

Senator Floyd called from the table, and the Chair laid before the Senate the report of the Free Conference Committee on S. B. No. 19.

The report was, after discussion, adopted by the following vote:

Yeas-27.

Lewis. Bailey. Baugh. McMillin. Murphy. Bledsoe. Page. Buchanan. Richards. Burkett Rogers. Clark. Suiter. Cousins. Watts. Darwin. Williams. Davidson. Willis. Doyle. Witt. Dudley. Fairchild. Wood. Woods. FMoyd. Hertzberg

Absent.

Doroug':

Parr.

Hall.

Absent-Excused.

Carlock.

Message from the House.

Hall of the House of Representatives, Austin, Texas, Aug. 16, 1921.

Hon. Lynch Davidson, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has refused to adopt the Free Conference Committee report on H. B. No. 137, and requests that the bill be re-committed to the same committee.

Respectfully submitted, C. L. PHINNEY, Chief Clerk House of Representatives.

Free Conference Committee Report On House Bill No. 14.

Committee Room,
Austin, Texas, Aug. 16, 1921.

Hon. Lynch Davidson, President of
the Senate.

Hon. Chas. G. Thomas, Speaker of
the House of Representatives.

Committee, to whom was referred H. B. No. 14.

Beg leave to report the following bill, and recommend that it do pass.

DUDLEY. DARWIN. WOOD. BAUGH. WOODS.

On the part of the Senate.

SATTERWHITE. WILLIAMS, of McLennan. STEPHENS.

On the part of the House.

Explanatory Statement By J. H. Woods, One of the Senate Conferees on House Bill No. 14.

Deferring to the will of the majority of the committee having this bill under consideration, I sign this report; but with the reservation that I am not in agreement with the action of the majority of the committee as to important sections of said bill, as set forth in the report submitted by the Conference Committee.

Respectfully submitted, J. H. WOODS.

The report was read, and Senator Dudley moved that the report only, and not the whole bill, be printed in the Journal.

The report was adopted by the fol-

lowing vote:

Yeas-24.

Hertzberg. Bailey. Baugh. Lewis. Bledsoe. Murphy. Buchanan. Page. Clark. Parr. Cousins. Richards. Darwin. Rogers. Davidson. Watts. Williams. Doyle. Willis. Dudley. Faircbild. Witt. Wood. Floyd.

Nays-1.

McMillin.

Present-Not Voting.

Burkett Suiter. Woods.

ter.

Absent.

Sirs: We, your Free Conference Dorough.

Hall.

Absent-Excused.

Carlock.

House Bill No. 137-Conference Report On.

Senator Bailey, Chairman of the Conference Committee on H. B. No. 137, here filed a report, the report of the committee.

The report was the same as the one presented at an earlier hour of the proceedings of this day with the elimination of item "8" which item was stricken from the report by instruction of the Senate.

The report was read and adopted by the following vote:

Yeas-22.

Bailey. Lewis. Bledsoe. McMillin. Buchanan. Murphy. Burkett Page. Clark, Parr. Cousins. Richards. Darwin. Williams. Davidson. Willis. Dudley. Witt Floyd. Wood. Woods. Hertzberg.

Nays-1.

Doyle.

Absent.

Baugh. Rogers. Dorough. Suiter. Fairchild. Watts. Hall.

Absent-Excused.

Carlock.

President Pro Tem.—Election Of.

Here Senator Hertzberg, securing recognition, placed in nomination for President Pro Tem., Senator Parr of Duval County.

Senators Williams, Dudley, Floyd, Davidson, Bailey, Richards, Page, McMillin, Fairchild, Clark, seconded the nomination.

There being no other nominations, declared nominations Chair closed.

Senators Burkett, Witt and Willis were appointed as tellers, and after the ballot was counted announced that Senator Parr received 19 votes, and the Chair declared him duly and constitutionally elected President Pro Tem. of the Senate.

stand the Chair, Lieutenant Governor Davidson, administered the constitutional oath of office to him.

Senator Parr then addressed the Senate briefly.

(President Pro Tem. Parr in the

Senator Dudley moved that the Senate stand at ease until 7:30 tonight.

Senator Witt moved that the Senate stand at ease until 8 o'clock tonight, which motion prevailed.

After Recess.

(Night Session.)

The Senate was called to order by Lieutenant Governor Davidson.

Messages from the House.

Hall of the House of Representatives, Austin, Texas, Aug. 16, 1921.

Hon. Lynch Davidson, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has adopted the Free Conference Committee report on S. B. No. 61.

Respectfully submitted, C. L. PHINNEY,

Chief Clerk House of Representatives.

Hall of the House of Representatives. Austin, Texas. Aug. 16, 1921.

Hon. Lynch Davidson, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has adopted the Free Conference Committee report on H. B. No. 137.

Respectfully submitted, C. L. PHINNEY,

Chief Clerk House of Representatives.

(President Pro Tem. Parr in the. Chair.)

House Bill No. 144.

The Chair laid before the Senate, on third reading,

H. B. No. 144, A bill to be entitled "An Act to establish and maintain a State School of Correspondence at Austin, Texas; to provide for all courses of study by correspondence that supply the needs of Texas people; to provide for the appointment of an executive board for same and Being escorted to the President's prescribe their duties; to provide for

the appointment of members of the faculty, prescribe their duties and provide for the salaries of members of said faculty, and declaring an emergency.

Senator Burkett offered the following amendment:

Amend H. B. No. 144, by striking out the words and figures "one hundred thousand (\$100,000.00) lars" and insert in lieu thereof "fifty thousand (\$50,000.00) dollars."

Senator Hertzberg moved to table the amendment, which motion was lost.

The amendment was adopted. The bill was passed.

Message from the House.

Hall of the House of Representatives, Austin, Texas, Aug. 16, 1921. Hon. Lynch Davidson, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has refused to concur in Senate amendments on H. B. 144, and request that a Free Conference Committee be appointed.

The following have been appointed on the part of the House:

Miller of Dallas, Kveton, Merriman, West and Miller of Parker.

Respectfully submitted,

C. L. PHINNEY, Chief Clerk, House of Representatives.

House Bill No. 144—Conference Committee On.

Senator Richards moved that the Senate grant the request of the House for a Free Conference Committee.

The motion was adopted, and

The Chair, President Pro Tem. Parr, appointed the following on part of the Senate:

Senators Dudley, Bledsoe, Page, Darwin and Murphy.

Message from the House.

Hall of the House of Representatives, Austin, Texas, Aug. 16, 1921.

Hon. Lynch Davidson, President of the Senate.

inform the Senate that the House has rectly enrolled, and have this day at refused to adopt the report of the Free 10:30 o'clock p. m. presented the Conference Committee on H. B. No. 14, same to the Governor for his ap-Passed S. C. R. No. 9.

Relating to the care of the Senate

Chamber and the Hall of the House of Representatives.

Respectfully submitted,

C. L. PHINNEY. Chief Clerk, House of Representatives.

Bills Signed.

Chair (Lieutenant-Governor Davidson) gave notice of signing, and did sign, in the presence of the Senate, after their captions had been read, the following bills:

Senate Bills No. 72, 78, 82, 83, 85, 101, 98, 49, 15, 57, 66, 38, 23, 13, 43, 65, 8, 52, 18, 6, 61, 19, 8, 75, 69, 80,

House Bills No. 164, 126, 1, 120, 32, 63, 8, 137.

Notification Committees.

The Chair here appointed the following Notification Committees:

To notify the Governor and the House that the business of the First Called Session of the 37th Legislature had completed its labors and was ready to adjourn:

To notify the House: Senators Cousins, Rogers and Watts.

To notify the Governor: Willis, Woods, Clark.

Notification Committee from House.

A committee from the House appeared here and notified the Senate that the House had completed its labors and was ready to adjourn.

Adjournment Sine Die.

On motion of Senator Dudley the Senate, at 12:00 o'clock, midnight, August 16, adjourned without day.

APPENDIX.

Committee Reports.

Committee Room, Austin, Texas, August 16, 1921.

Hon. Lynch Davidson, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have carefully compared Sir: I am directed by the House to S. B. No. 6, and find the same corproval.

Committee Room, Austin, Texas, August 16, 1921.

the Senate:

Sir: We, your Committee on Enrolled Bills, have carefully compared S. B. No. 8, and find the same correctly enrolled, and have this day at 10:30 o'clock p. m. presented the same to the Governor for his approval.

DARWIN, Chairman.

Committee Room. Austin, Texas, August 16, 1921. Hon. Lynch Davidson, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have carefully compared S. B. No. 52, and find the same correctly enrolled, and have this day at 10:30 o'clock p. m. presented the same to the Governor for his approval.

DARWIN, Chairman.

Committee Room. Austin, Texas, August 16, 1921.

the Senate.

Sir: We, your Committee on Enrolled Bills, have carefully compared S. B. No. 43, and find the same correctly enrolled, and have this day at 10:30 o'clock p. m. presented the same to the Governor for his approval.

DARWIN, Chairman.

Committee Room, Austin, Texas, August 16, 1921.

Hon. Lynch Davidson, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have carefully compared S. B. No. 65, and find the same correctly enrolled, and have this day at 10:30 o'clock p. m. presented the same to the Governor for his approval.

DARWIN, Chairman.

Committee Room, Austin, Texas, August 16, 1921. Hon. Lynch Davidson, President of

the Senate.

We, your Committee on Enrolled Bills, have carefully compared S. B. No. 18, and find the same correctly enrolled, and have this day at 10:30 o'clock p. m. presented the same to the Governor for his approval.

DARWIN, Chairman.

Committee Room, Austin, Texas, August 16, 1921. Hon. Lynch Davidson, President of Hon Lynch Davidson, President of the Senate.

Sir: We, your Committee on En-rolled Bills, have carefully compared S. B. No. 19, and find the same correctly enrolled, and have this day at 11:30 o'clock p. m. presented the same to the Governor for his approval.

DARWIN, Chairman.

Committee Room. Austin, Texas, August 16, 1921. Hon. Lynch Davidson, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have carefully compared S. B. 80, and find the same correctly enrolled, and have this day at 11:30o'clock p. m. presented the same to the Governor for his approval.

DARWIN, Chairman.

Committee Room. Austin, Texas, August 16, 1921. Hon. Lynch Davidson, President of Hon. Lynch Davidson, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have carefully compared S. B. No. 75, and find the same correctly enrolled, and have this day at 11:30 o'clock p. m. presented the same to the Governor for his approval.

DARWIN, Chairman.

Committee Room, Austin, Texas, August 16, 1921. Hon. Lynch Davidson, President of

the Senate. Sir: We, your Committee on Enrolled Bills, have carefully compared S. B. No. 69, and find the same correctly enrolled, and have this day at 11:30 o'clock p. m. presented the same to the Governor for his ap-

proval.

DARWIN, Chairman.

Committee Room. Austin, Texas, August 16, 1921. Hon. Lynch Davidson, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have carefully compared S. B. No. 66, and find the same correctly enrolled, and have this day at 8 o'clock p. m. presented the same to the Governor for his approval.

Committee Room, Austin, Texas, August 16, 1921.

the Senate.

We, your Committee on Enrolled Bills, have carefully compared S. B. No. 57, and find the same correctly enrolled, and have this day at 8 o'clock p. m. presented the same to the Governor for his approval.

DARWIN, Chairman.

Committee Room, Austin, Texas, August 16, 1921.

Hon. Lynch Davidson, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have carefully compared S B. No. 72, and find the same correctly enrolled, and have this day at 8 o'clock p. m. presented the same to the Governor for his approval.

DARWIN, Chairman.

Committee Room, Austin, Texas, August 16, 1921.

Hon. Lynch Davidson, President of the Senate.

We, your Committee on Enrolled Bills, have carefully compared S. B. No. 78, and find the same correctly enrolled, and have this day at 8 o'clock p. m. presented the same to the Governor for his approval.

DARWIN, Chairman.

Committee Room, Austin, Texas, August 16, 1921.

Hon. Lynch Davidson, President of the Senate.

Sir: We, your Committee on En-rolled Bills, have carefully compared S. B. No. 82, and find the same correctly enrolled, and have this day at 8 o'clock p. m. presented the same to the Governor for his approval.

DARWIN, Chairman.

Committee Room Austin, Texas, Aug. 16, 1921.

Hon. Lynch Davidson, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have carefully compared S. B. No. 61, and find the same correctly enrolled, and have this day at 11:30 o'clock p. m. presented the same to the Governor for his approval.

DARWIN, Chairman.

Committee Room, Austin, Texas, Aug. 16, 1921.

Hon. Lynch Davidson, President of Hon. Lynch Davidson, President of the Senate.

We, your Committee on En-Sir: rolled Bills, have carefully compared S. B. No. 13, and find the same correctly enrolled, and have this day at 8 o'clock p. m. presented the same to the Governor for his approval.

DARWIN, Chairman.

Committee Room, Austin, Texas, Aug. 16, 1921.

Hon. Lynch Davidson, President of the Senate.

We, your Committee on En-Sir: rolled Bills, have carefully compared S. B. No. 83, and find the same correctly enrolled, and have this day at 8 o'clock p. m. presented the same to the Governor for his approval.

DARWIN. Chairman.

Committee Room, Austin, Texas, Aug. 16, 1921.

Hon. Lynch Davidson, President of the Senate.

We, your Committee on En-Sir: rolled Bills, have carefully compared S. B. No. 85, and find the same correctly enrolled, and have this day at 8 o'clock p. m. presented the same to the Governor for his approval.

DARWIN, Chairman,

Committee Room, Austin, Texas, Aug. 16, 1921.

Hon. Lynch Davidson, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have carefully compared S. B. No. 101, and find the same correctly enrolled, and have this day at 8 o'clock p. m. presented the same to the Governor for his approval.

DARWIN, Chairman.

Committee Room, Austin, Texas, Aug. 16, 1921.

Hon. Lynch Davidson, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have carefully compared S. B. No. 98, and find the same correctly enrolled, and have this day at 8 o'clock p. m. presented the same to the Governor for his approval.

Committee Room, Austin, Texas, Aug. 16, 1921.

the Senate.

We, your Committee on Enrolled Bills, have carefully compared S. B. No. 15, and find the same correctly enrolled, and have this day at 8 o'clock p. m. presented the same to the Governor for his approval.

DARWIN, Chairman.

Committee Room, Austin, Texas, Aug. 16, 1921.

Hon. Lynch Davidson, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have carefully compared S. B. No. 49, and find the same correctly enrolled, and have this day at 8 o'clock p. m. presented the same to the Governor for his approval.

DARWIN, Chairman.

Committee Room. Austin, Texas, Aug 16, 1921.

Hon. Lynch Davidson, President of the Senate.

We, your Committee on Enrolled Bills, have carefully compared S. B. No. 38, and find the same correctly enrolled, and have this day at 8 o'clock p. m. presented the same to the Governor for his approval.

DARWIN, Chairman.

Committee Room, Austin, Texas, Aug. 16, 1921.

Hon. Lynch Davidson, President of the Senate.

We, your Committee on Enrolled Bills, have carefully compared S. B. No. 56, and find the same correctly enrolled, and have this day at 12 o'clock midnight presented the same to the Governor for his approval.

DARWIN, Chairman.

Committee Room, Austin, Texas, Aug. 16, 1921.

Hon. Lynch Davidson, President of the Senate.

We, your Committee on Enrolled Bills, have carefully compared S. B. No. 91, and find the same correctly enrolled, and have this day at 12 o'clock midnight presented the same to the Governor for his approval.

DARWIN, Chairman.

Committee Room, Austin, Texas, Aug. 16, 1921.

Hon. Lynch Davidson, President of Hon. Lynch Davidson, President of the Senate.

> We, your Committee on Enrolled Bills, have carefully compared S. B. No. 5, and find the same correctly enrolled, and have this day at 5 o'clock p. m. presented the same to the Governor for his approval.

DARWIN, Chairman.

Committee Room, Austin, Texas, Aug. 16, 1921.

Hon. Lynch Davidson, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have carefully compared S. B. No. 42, and find the same correctly enrolled, and have this day at 12 o'clock midnight presented the same to the Governor for his approval.

DARWIN, Chairman.

Committee Room, Austin, Texas, Aug. 16, 1921.

Hon. Lynch Davidson, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have carefully compared S. B. No. 50, and find the same correctly enrolled, and have this day at 5:00 o'clock p. m. presented the same to the Governor for his approval.

DARWIN, Chairman.

Committee Room. Austin, Texas, Aug. 16, 1921.

Hon. Lynch Davidson, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have carefully compared S. B. No. 104, and find the same correctly enrolled, and have this day at 12 o'clock p. m., presented the same to the Governor for his approval. DARWIN, Chairman.

Committee Room,

Austin, Texas, Aug. 16, 1921.

Hon. Lynch Davidson, President of the

Sir: We, your Committee on Enrolled Bills, have carefully compared S. B. No. 95, and find the same correctly enrolled, and have this day at 12 o'clock p. m., presented the same to the Governor for his approval.

Committee Room, Austin, Texas, Aug. 16, 1921.

Sir: We, your Committee on Enrolled Bills, have carefully compared S. B. No. 105, and find the same correctly enrolled, and have this day, at 12 o'clock p. m., presented the same to the Governor for his approval. DARWIN, Chairman.

Committee Room, Austin, Texas, Aug. 16, 1921. Senate.

Sir: We, your Committee on En-

rolled Bills, have carefully compared S. B. No. 70, and find the same cor-Hon. Lynch Davidson, President of the rectly enrolled, and have this day at 12 o'clock p. m., presented the same to the Governor for his approval.

DARWIN, Chairman.

Committee Room, Austin, Texas, Aug. 16, 1921. Hon, Lynch Davidson, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have carefully compared S. B. No. 99, and find the same correctly enrolled, and have this day at Hon. Lynch Davidson, President of the 12 o'clock p. m., presented the same to the Governor for his approval.